

# REGISTER

*South Dakota Legislative Research Council*



*Volume 29*

*Monday, 8:00 a.m., May 19, 2003*

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A COPY OF EACH REGISTER IS FILED IN THE OFFICE OF THE SECRETARY OF STATE

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**NOTICES OF PROPOSED RULES:** (The date in parentheses is the date the rules were filed in the Legislative Research Council.)

***Department of Game, Fish and Parks:***

(May 15, 2003) has filed rules that will amend the West River Deer Hunting Season to combine Unit 11C in southeastern Bennett County with Unit 11B, extend the hunting season for hunters with antlerless deer tags by seven days following the regular season, reopen the hunting season for hunters with antlerless tags only, which would start January 1 and end the second Sunday in January, on private land not leased by the department for public hunting, and change the number of resident and nonresident licenses; increase the number of deer and antelope licenses that a person may apply for and receive for any season from three to five; decrease the fees for a resident one-tag and two-tag antlerless deer or antelope license; amend and adopt rules regarding taxidermist records and tagging requirements; clarify that bobcat carcasses with hides must be submitted to certain designated persons and procedures for return of the same after the pelt has been tagged, carcass inspected, and lower jaw removed; modify the classification of the bald eagle from an "endangered bird" to a "threatened bird" and remove the mountain lion from the "threatened mammal" classification. The general authority for these rules, as cited by the department, is SDCL 34A-8-3, 41-2-18, 41-6-10, 41-6-18.4, 41-6-19.6, 41-6-21, 41-6-33, 41-8-20, and 41-17-1.1.

A public hearing will be held at the Holiday Inn Express in Fort Pierre, South Dakota, on June 5, 2003, at 2:00 p.m. CDT. Copies of the proposed rules may be obtained from and written

comments sent to John L. Cooper, Secretary, Foss Building, 523 East Capitol Avenue, Pierre, South Dakota 57501. Written comments must be received prior to the hearing date. Comments may also be sent by e-mail to [chuck.schlueter@state.sd.us](mailto:chuck.schlueter@state.sd.us). E-mail comments must include the commenter's name and address. Handicapped persons may contact the department at (605) 773-3718 for assistance.

**DECLARATORY RULING:**

The Real Estate Commission has filed a Declaratory Ruling with the Legislative Research Council. The ruling provides an interpretation of SDCL 36-21A-71 subdivisions (9), (12), and (22) - Acts constituting unprofessional conduct and the use of various inducements offered to either the buyer or seller. The decision concluded that commissions may be reduced and if other valuable consideration is included as a benefit then the consideration needs to be disclosed as part of the transaction with the licensee's principal's knowledge and consent.

**NOTICE:** The **South Dakota Lottery** is ending instant ticket game numbers 141 – Tic Tac Two's, 153 – Thousandaire, 154 – Spam, 172 – Crossword, and 178 – Red Hot Cash. The last day that prizes will be paid for these games is November 8, 2003.

**FILINGS IN THE SECRETARY OF STATE'S OFFICE:**

**Administrative Rules:**

**DEPARTMENT OF TRANSPORTATION:**

70:01:02:01, 70:01:02:10, 70:01:02:20,  
70:01:02:24; 70:03:01:01, 70:03:01:02.01,  
70:03:01:32, 70:03:01:32.03, 70:03:01:55,  
70:03:01:56, 70:03:01:58, and 70:03:01:59.

History-Notice: 29 SDR 115, Feb. 10, 2003  
Hearing: February 27, 2003  
Filed: May 13, 2003  
Effective: June 2, 2003

**DEPARTMENT OF TRANSPORTATION:**

70:03:01:22.

History-Notice: 29 SDR 115, Feb. 10, 2003  
Hearing: April 24, 2003  
Filed: May 13, 2003  
Effective: June 2, 2003

**DEPARTMENT OF TRANSPORTATION:  
AERONAUTICS COMMISSION:**

70:02:03:19; 70:02:04:01 to 70:02:04:03,  
inclusive, and 70:02:04:18.

History-Notice: 29 SDR 139, April 7, 2003  
Hearing: April 22, 2003  
Filed: May 13, 2003  
Effective: June 2, 2003

**DEPARTMENT OF GAME, FISH AND**

**PARKS:** 41:03:01:16, 41:03:01:19;  
41:06:01:08, 41:06:01:09; 41:06:02:03;  
41:06:05:01, 41:06:05:02; 41:06:07:02;  
41:06:09:02; 41:06:22:01, 41:06:22:01.01,  
41:06:22:02, 41:06:22:05; 41:06:24:01,  
41:06:24:02, 41:06:24:04; 41:06:26:02;  
41:06:27:02; 41:06:28:02; 41:06:29:02,  
41:06:29:03; 41:06:30:02; 41:06:37:01;  
41:06:41:01, 41:06:41:02, 41:06:41:03,  
41:06:41:04; 41:06:43:02; 41:06:45:02;  
41:06:47:02, 41:06:47:06, 41:06:47:07,  
41:06:47:08; 41:06:48:02; 41:06:55:01,  
41:06:55:02; 41:06:56:02, 41:06:56:03;  
41:06:59:02, 41:06:59:04; 41:06:60:01 to  
41:06:60:05, inclusive; 41:09:12:02; and  
41:09:13:14.

History-Notice: 29 SDR 129, March 17, 2003  
Hearing: April 3-4, 2003  
Filed: May 14, 2003  
Effective: June 3, 2003

**DEPARTMENT OF GAME, FISH AND**

**PARKS:** 41:06:14:01, 41:06:14:02,  
41:06:14:02.01, 41:06:14:05; 41:06:16:08;  
41:06:16:09.01, 41:06:16:11, 41:06:16:11.01;  
41:06:19:02, 41:06:19:04; 41:06:44:02, and  
41:06:44:04.

History-Notice: 29 SDR 144, April 14, 2003  
Hearing: May 1-2, 2003  
Filed: May 14, 2003  
Effective: June 3, 2003

**The DEPARTMENT OF SOCIAL**

**SERVICES** has filed updates to the South Dakota Food Stamp Program Certification and Accountability Manual. The manual revisions relate to two areas of food stamp eligibility. The first revision modifies the residency requirement for aliens to be eligible for food stamps. The second revision clarifies various requirements regarding students, charitable donations, and excluded income or resources used to determine a person's eligibility for food stamps. The revisions were filed on May 15, 2003.

**Executive Appointments:**

**George Thompson**, Watertown, was reappointed on May 9, 2003, to the **Board of Medical and Osteopathic Examiners**, effective July 2, 2003, and shall continue until July 1, 2008.

Note: A copy of the rules may be obtained directly from the above agencies. Write to the agency at the address given under "Notices of Proposed Rules." There is no charge for proposed rules. The following agencies have permission from the Interim Rules Review Committee to charge for adopted rules: the Division of Insurance, the Cosmetology Commission, the State Board of Examiners in Optometry, the State Plumbing Commission, the Board of Nursing, the Department of Social Services, the State Electrical Commission, the South Dakota Board of Pharmacy, the Real Estate Commission, the Gaming Commission, the Department of Commerce and Regulation for commercial driver licensing, the Department of Labor for Article 47:03, and the Department of Revenue.

**REMINDER OF HEARINGS SCHEDULED**

5-22-2003	Transportation	Prohibit parking on the north side of U.S. Highway 212 in the city of Doland and correct Appendix A; 29 SDR 151.
5-22-2003	Revenue and Regulation: Business Tax, Motor Vehicles, Property and Special Taxes	Adopt, amend and repeal rules regarding appraisers, assessors, business taxes, motor vehicles, property tax, and Streamlined Sales Tax; 29 SDR 151.
5-22-2003	Health: Board of Dentistry	Amend license for dental radiographers; 29 SDR 152.
5-27-2003	Social Services	Amend rules to increase the payment standards for all TANF assistance units; 29 SDR 155.
5-27-2003	Social Services	Amend rules relating to nursing facility payments by the Department; 29 SDR 155.
6-5-2003	Game, Fish and Parks	Amend the West River deer hunting season, tagging requirements for bobcats, amend the classification of the bald eagle and the mountain lion, increase the number of deer and antelope licenses that a person may apply for and receive, decrease the fee for resident one-tag and two-tag antlerless deer or antelope licenses, and adopt and amend taxidermist records and tagging requirements; 29 SDR 159.

***Rules Review Committee Meetings***

The next meeting of the Interim Rules Review Committee will be held Tuesday, June 10, 2003, in Room 413 of the State Capitol. The committee chair has set the following tentative meeting schedule for the 2003 interim: August 5, September 8, October 6, and November 19.

Agencies whose rules have had a public hearing will be scheduled to meet with the Rules Review Committee and are asked to have a representative present at the meeting to give background information on their rules.

**Note:** An updated version of the Administrative Rules Guide to Form and Style is available at the LRC office and on the LRC web site.

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